

House File 301 - Introduced

HOUSE FILE _____
BY PAULSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to possession or consumption of an alcoholic
2 beverage by an under legal age person, and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1500YH 83
6 jm/nh/24

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1 1 Section 1. Section 123.47, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. Except for the purposes described in
1 4 subsection 2, a person who is the owner or lessee of, or who
1 5 otherwise has control over, property that is not a licensed
1 6 premises, shall not permit any person, knowing or having
1 7 reasonable cause to believe the person to be under legal age,
1 8 to consume or possess on such property any alcoholic liquor,
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,
1 11 unnumbered paragraph 1, Code 2009, is amended to read as
1 12 follows:

1 13 A person who is under legal age, other than a licensee or
1 14 permittee, who violates this section regarding the purchase of
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or
1 16 possessing or having control of alcoholic liquor, wine, or
1 17 beer, or permitting under legal age consumption or possession
1 18 on certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 3, paragraph a,
1 20 subparagraph (1), Code 2009, is amended to read as follows:

1 21 (1) A simple misdemeanor punishable as a scheduled
1 22 violation under section 805.8C, subsection 7. Notwithstanding
1 23 section 903.1, the court, in lieu of ordering payment of a
1 24 scheduled fine, may suspend the fine and order the person
1 25 under legal age to receive a substance abuse evaluation by a
1 26 program licensed to provide services pursuant to section
1 27 125.13.

1 28 Sec. 4. Section 123.47, subsection 4, Code 2009, is
1 29 amended to read as follows:

1 30 4. Except as otherwise provided in subsections 5 and 6, a
1 31 person who is of legal age, other than a licensee or
1 32 permittee, who sells, gives, or otherwise supplies alcoholic
1 33 liquor, wine, or beer to a person who is under legal age in
1 34 violation of this section, or permits under legal age
1 35 consumption or possession on certain property, commits a
2 1 serious misdemeanor punishable by a minimum fine of five
2 2 hundred dollars.

EXPLANATION

2 3 This bill relates to possession or consumption of an
2 4 alcoholic beverage by an under legal age person on certain
2 5 property.

2 6 Under the bill, a person who is the owner or lessee of, or
2 7 who otherwise has control over, property that is not a
2 8 licensed premises, shall not permit an under legal age person
2 9 to consume or possess an alcoholic beverage on such property.

2 10 The bill does not affect situations involving a person
2 11 under legal age consuming or possessing an alcoholic beverage
2 12 for a permitted purpose under Code section 123.47, subsection
2 13 2.

2 14 For a first offense, a person under legal age who permits
2 15 under legal age consumption or possession in violation of the
2 16 bill commits a simple misdemeanor punishable as a scheduled
2 17 violation under Code section 805.8C, subsection 7; for a
2 18 second offense a person commits a simple misdemeanor

2 20 punishable by a fine of \$500; and for a third or subsequent
2 21 offense the person commits a simple misdemeanor punishable by
2 22 a fine of \$500 and suspension of the person's motor vehicle
2 23 operating privileges for up to one year.
2 24 The court, for a first offense by a person under legal age,
2 25 may suspend the payment of a scheduled fine and order the
2 26 person under legal age to receive a substance abuse evaluation
2 27 by a program licensed to provide services pursuant to Code
2 28 section 125.13.
2 29 A person of legal age who permits under legal age
2 30 consumption or possession in violation of the bill commits a
2 31 serious misdemeanor punishable by a minimum fine of \$500.
2 32 LSB 1500YH 83
2 33 jm/nh/24